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10/681,413	10/07/2003	Akira Yonezawa	KIN94USA	7415

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/681,413
Filing Date: October 07, 2003
Appellant(s): YONEZAWA ET AL.

George A. Smith, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 14, 2006 appealing from the Office action mailed January 13, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,568,450	Stevens	5-2003
JP 6-127774	Masahiko	5-1994
US 5,328,510	Hofmann et al.	7-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 6,568,450) in view of Masahiko (Japan 6-127774) and Hofmann et al. (US 5,328,510). Stevens discloses a coating film transfer tool (Figure 1) comprising a supply reel (6) having a transfer tape (18) wound thereon, the transfer tape comprising a base tape (18') coated with a coating film; a transfer head (11) for pressing the transfer tape against a receiving surface to transfer the coating film thereto; a take-up reel (7) for taking up used base tape; and a belt driving mechanism (8), the driving mechanism comprising an endless belt cooperatively connecting the supply reel with the take-up reel, wherein the base tape extends from the supply reel and past the transfer head to the take-up reel. Stevens does not disclose a coating film transfer tool having a belt guide for guiding the belt which is disposed between the supply reel and take-up reel.

Masahiko teaches that a pressing roller, 17, engaging the endless belt, 12, of a film transfer tool is advantageous because the roller can accommodate tension of different magnitudes in the endless belt (English Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a pressing roller on the endless belt of Stevens because Masahiko shows this roller to compensate for varying tension. The references as combined fail to show the roller contacting the endless belt as it travels from the supply reel to the take up reel.

It is well known and conventional in the dispensing apparatus art, as disclosed by Hofmann et al. (Figures 6-7, tension roll 55), to provide a belt driving mechanism with a belt guide for guiding the belt and for controlling slack and tension in the belt (column 8, lines 34-41). Hoffmann et al. further shows the location of the belt guide to contact the portion of the endless belt as it travels from the pulley with the large diameter (analogous to the supply reel pulley) toward the pulley with the small diameter (analogous to the take up reel pulley). It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the pressing roller of the references as combined along the section of the belt as it travels from the supply reel pulley to the take up reel pulley because Hoffmann et al. shows this to be a functionally equivalent alternate expedient to the placement of the pressing roller of Masahiko.

As to claims 2-3, the references as combined (Hofmann et al. - Figure 6, tension roll 55) disclose a coating film transfer tool in which the belt guide is a cylindrical roller.

(10) Response to Argument

Appellants argue that there is no reason to combine Hoffman et al. and Masahiko with Stevens to achieve the instant claims because the belt of Hoffman et al. is not a drive belt, there is no evidence that transfer tool belts stretch like the belt of Hoffman et al., and the roller of Masahiko would be less effective if moved to another position.

Regarding the first point, although Hoffman et al. is silent as to which roller or rollers are driven and therefore silent as to whether the belt, 72, is a drive belt, there is a presumption that the belt is a drive belt based upon the rotational arrow on roller 56 of Figs. 6 and 7. This arrow suggests that roller 56 is a drive roller for the belt, 72. Nevertheless, whether the belt is driven by a roller or by friction form web, 10, the teaching of a tensioning roller to accommodate for stretching of the belt would be applicable to the drive belt of Stevens. One of ordinary skill in the art would appreciate that transfer belts driven over a pair of pulleys would stretch regardless of whether they are driven by an interior roller or an exterior traveling web.

Regarding the second point, Hoffman et al. teaches that polymer release films stretch considerably during use (column 10, lines 35-44). The backing webs of transfer tools are polymer release films. It is presumed that polymer release films driven over a pair of rollers would have similar tendencies to stretch, regardless of the particular apparatus involved.

Regarding the third point, the tensioning roller of Masahiko prevents slipping of the transfer belt. Although Masahiko shows the tensioning roller to be disposed in contact with the section of the belt which moves from the pulley of the take-up reel to the pulley of the supply reel, the text is silent as to a required location of the roller. Because the tensioning roller of Masahiko would increase the travel path of the transfer belt and consequently increase the tension in the transfer belt regardless of whether the tensioning roller contacts the belt as it moves from the pulley of the take-up reel to the pulley of the supply reel or as it moves from the pulley of the supply reel to the pulley of the take-up reel, one of ordinary skill in the art would realize that the tensioning roller could be effective in the location shown by Hoffman et al.

Appellants also argue that the compensating roller of Hoffman et al. must be associated with some kind of tensioner such as a spring or a weight, which would be too complicated to be practical in a hand-held transfer tool. The first part of the argument is speculative in that Hoffman et al. does not disclose that a complicated spring or weight system is required for the compensating roller. The second part of the argument is also not persuasive because Masahiko shows the tensioning roller to be adjustable (See Figs. 4 and 5) without requiring mechanics that are too complicated for a hand-held transfer tool.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mark A. Osele

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